

STATE OF CALIFORNIA
FISH AND GAME COMMISSION
FINAL STATEMENT OF REASONS FOR REGULATORY ACTION

Amend Subsection (9) to Section 671,
Title 14, California Code of Regulations
Re: New Zealand Mudsnail, Restricted Species

- I. Date of Initial Statement of Reasons: April 6, 2004
- II. Date of Pre-adoption Statement of Reasons: May 20, 2004
- III. Date of Final Statement of Reasons: June 28, 2004
- IV. Dates and Locations of Scheduled Hearings:
 - (a) Notice Hearing: Date: May 6, 2004
Location: San Diego
 - (b) Adoption Hearing: Date: June 25, 2004
Location: Crescent City
- V. Update:

No modifications were made to the originally proposed language of the Initial Statement of Reasons.

The Commission unanimously adopted the proposed regulation.
- VI. Summary of Primary Considerations Raised in Support of or Opposition to the Proposed Actions and Reasons for Rejecting those Considerations:

No oral or written comments were received from the public in opposition or in support of the proposed regulatory action.
- VII. Location and Index of Rulemaking File:

A rulemaking file with attached index is maintained at:
California Fish and Game Commission
1416 Ninth Street
Sacramento, California 95814
- VIII. Location of Department files:

Department of Fish and Game
1416 Ninth Street
Sacramento, California 95814

IX. Description of Reasonable Alternatives to Regulatory Action:

- (a) Alternatives to Regulation Change: None were identified.
- (b) No Change Alternative: If the proposed change is not adopted the Department will not have the authority to prohibit the possession or transport of live invasive New Zealand Mudsnaills.
- (c) Consideration of Alternatives: In view of information currently available, there is no reasonable alternative that would be more effective in carrying out the purposes for which the regulation change is intended.

X. Impact of Regulatory Action:

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States: The proposed action will not have a significant statewide adverse economic impact affecting businesses, including the ability of California businesses to compete with businesses in other states. The proposed change is expected to prevent potential declines in trout populations and their habitats.
- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California: None.
- (c) Cost Impacts on a Representative Private Person or Business: None.
- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.
- (e) Other Nondiscretionary Costs/Savings to Local Agencies: None.
- (f) Programs Mandated on Local Agencies or School Districts: None.
- (g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4: None.
- (h) Effect on Housing Costs: None.

Updated Informative Digest/Policy Statement Overview

Current regulations restrict the importation, transportation, and possession of several animal species that could be detrimental to California ecosystems. The New Zealand mudsnail (NZMS), an invasive species that has the potential to significantly alter the aquatic ecosystem in many California streams, is not currently on the restricted species list In Section 671, Title 14, California Code of Regulations. Authority is currently lacking for the Department to restrict the possession, transportation or importation of NZMS. The Department is proposing to add NZMS to the restricted species list in Section 671 to enhance regulatory authority for controlling its spread into and within the State.

Subsection 671(c)(9), Title 14, California Code of Regulations, is amended to read:

(9) Class Gastropoda--Slugs, Snails

(A) *Potamopyrgus antipodarum* (New Zealand mudsnail)

(B) All nonnative species of slugs and land snails (D), except:

~~(A)~~ 1. *Rumina decollata* (decollate snail) in the counties of San Bernardino, Riverside, Imperial, Orange, San Diego, Los Angeles, Ventura, Kern, Fresno, Madera, Tulare and Santa Barbara not restricted with the concurrence of the appropriate county agricultural commissioners.

~~(B)~~ 2. *Helix aspersa* (brown garden snail) not prohibited.

NOTE:

Authority cited: Sections 2118 and 2120, Fish and Game Code. Reference: Sections 1002, 2116, 2118, 2118.2, 2118.4, 2119-2155, 2190, 2271, 3005.9 and 3005.92, Fish and Game Code.